

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

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**IN RE: BIOPURE SECURITIES LITIGATION**

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)  
) **CIVIL ACTION**  
) **NO. 03-12628-NG**  
) **REQUEST FOR ORAL ARGUMENT**  
)

**DEFENDANTS' MOTION TO DISMISS  
THE CONSOLIDATED AMENDED CLASS ACTION COMPLAINT**

Defendants Biopure Corporation, Thomas A. Moore, Carl W. Rausch, Howard P. Richman, Charles A. Sanders and J. Richard Crout ("Defendants") hereby move this Court to dismiss Plaintiffs' Consolidated Amended Class Action Complaint in the above matter. As grounds for this Motion, Defendants rely on their Memorandum of Law in Support of their Motion to Dismiss and Defendants' Appendix of Exhibits, both of which are being filed herewith.

**WHEREFORE**, Defendants request that their Motion to Dismiss the Consolidated Amended Class Action Complaint be allowed and that Plaintiffs' Consolidated Amended Class Action Complaint be dismissed in its entirety, with prejudice.

**REQUEST FOR ORAL ARGUMENT**

Pursuant to Local Rule 7.1(D), Defendants request that this motion be set down for oral argument.

Respectfully submitted,

**BIOPURE CORPORATION, THOMAS A.  
MOORE, CARL W. RAUSCH, HOWARD P.  
RICHMAN, CHARLES A. SANDERS and J.  
RICHARD CROUT**

By their attorneys,

/s/ Robert A. Buhlman

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Dated: October 6, 2004

**RULE 7.1(a)(2) CERTIFICATION**

I hereby certify that counsel for Defendants conferred with counsel for Plaintiffs in good faith to resolve or narrow the issues presented in this motion.

/s/ Eunice E. Lee

Eunice E. Lee

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the above pleading was electronically served upon the attorneys of record for all parties on October 6, 2004.

/s/ Eunice E. Lee

Eunice E. Lee